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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,904	02/24/2004	Michael Landau	59149-8005.US01	4398
22918	7590	12/24/2008	EXAMINER	
PERKINS COIE LLP			VAN BRAMER, JOHN W	
P.O. BOX 1208			ART UNIT	PAPER NUMBER
SEATTLE, WA 98111-1208			3622	
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			12/24/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/786,904	LANDAU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOHN VAN BRAMER	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 September 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed September 17, 2008, has cancelled no claims. Claims 1, 4, 8, 11, and 15-24 were amended and new claims 25-28 were added. Thus, the currently pending claims addressed below are claims 1-28.

### ***Claim Rejections - 35 USC § 101***

2. The amendments to claims 15-21 have corrected the 35 U.S.C. 101 deficiencies identified in the Office Action dated June 17, 2008. Thus, the examiner hereby withdraws the rejection.
3. The amendments to Claims 22-24 have corrected the 35 U.S.C. 101 deficiencies identified in the Office Action dated June 17, 2008. Thus, the examiner hereby withdraws the rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
- A person shall be entitled to a patent unless –
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Oren et al. (PGPUB: US 2002/0057299).

Claim 1, 8, 15, 22, 25, and 28: Oren discloses a method, a system, a computer program, and a system respectively, for providing commercial information such as coupon, rebate, price-comparison, or product-review services and information to a requesting entity, utilizing a toolbar within a network browser or system interface computing environment, comprising:

- a. Receiving a request for said commercial information via said toolbar. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])
- b. In response to the request, automatically detecting information about a specific merchant and/or product from within the browser or interface environment. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])
- c. Retrieving relevant stored information about the detected information. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])
- d. Displaying formatted information to the requesting entity. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])

Claims 2, 9, and 16: Oren discloses a method, a system, and a computer program as recited in claims 1, 8, and 15, further including utilizing the toolbar in manner selected from the following list: A built-in or integrated feature of a network browser or system interface, plug-in or expandable feature of a network browser or system interface, a button, linked or bookmarked feature of a network browser or system interface. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])

Claims 3, 10, and 17: Oren discloses a method, a system, and a computer program as recited in claims 1, 8, and 15, further comprising: receiving personal, preference

or usage information associated with the requesting entity. (Fig 10; Fig. 11;  
Paragraphs [0005], and [0007] through [0010])

Claims 4, 11, and 18: Oren discloses a method, a system, and a computer program as recited in claims 3, 10, and 17, further comprising: providing or filtering services and information based on personal information, preferences or usage information. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])

Claims 5, 12, and 19: Oren discloses a method, a system, and a computer program as recited in claims 1, 8, and 15, further comprising: providing access to internal and external sources of such services and information. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])

Claims 6, 13, and 20: Oren discloses a method, a system, and a computer program as recited in claims 1, 8, and 15, further comprising: utilizing the information and services in conjunction with a search engine interface. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])

Claims 7, 14, and 21: Oren discloses a method, a system, and a computer program as recited in claims 1, 8, and 15, further comprising: an auto-activation and/or auto-fill function to automatically enter or transmit coupon information to a merchant web site. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])

Claims 23 and 26: Oren discloses a system and machine readable medium as

recited in claims 22 and 25, wherein said information related to said e-commerce transaction includes an electronic coupon for use by said user during said e-commerce transaction. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010]) (Note in figure 10, the button for freebees and in figure 12 there is a coupon for a free newsletter)

Claims 24 and 27: Oren discloses a system and machine readable medium as recited in claims 22 and 25, wherein said information related to said e-commerce transaction includes product information related to said e-commerce transaction. (Fig 10; Fig. 11; Paragraphs [0005], and [0007] through [0010])

### ***Response to Arguments***

6. Applicant's arguments filed September 17, 2008 have been fully considered but they are not persuasive.

- a. The applicant argues that the current claims are distinguishable over the Oren reference because the order of detecting and analyzing information related to a website and the user request is reversed. However, the examiner disagrees with this interpretation of the Oren reference. The Oren reference teaches modifying the standard toolbar of an internet browser. Thus, in addition to the standard toolbar functions, additional hotbuttons are added. As the, ability to manually type a Uniform Resource Locator into the browser is part of the original toolbar, this functionally remains in the disclosure of Oren as disclosed in paragraph [0007]. Thus, when a user manually enters a Uniform Resource Locator into this section

of the toolbar, they are requesting information via said toolbar. As Oren clearly discloses in paragraphs [0007]-[0010], information regarding the specific merchant and or products contained in page requested is then detected, relevant stored information is then retrieved and displayed on the toolbar. Thus the limitations of the claims as currently written have been met. The examiner would also like to direct the applicant's attention to paragraph [0009], which discloses that after a user arrives at a web page they can click on a hotbutton (this is also a form of requesting information via the toolbar). After which time, if one or more hotbuttons are related to specific products displayed in the webpage, the list of links yielded may also include comparative shopping information related to such products. Thus, they have automatically detected the products, retrieved comparative shopping information and displayed the information. This also satisfies the limitations of the claims as currently written.

- b. The applicant argues that Oren does not disclose receiving personal, preference or usage information associated with the requesting entity. However, this is specifically disclosed in paragraph [0005] or the Oren reference. Oren discloses that the appearance and/or contents of a hotbutton can change as a function of demographic information, geographic information, the behavior of the user, and the interests of the user.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN VAN BRAMER whose telephone number is (571)272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.V.  
/J. V./  
Examiner, Art Unit 3622

/Eric W. Stamber/  
Supervisory Patent Examiner, Art Unit 3622